

Appendix 10 – World Privacy Forum’s Application for *cy pres* Funds in *In Re: Google Buzz Privacy Litigation* (submitted to the Rose Foundation Mar. 14, 2011)

**IN RE GOOGLE BUZZ PRIVACY SETTLEMENT
CY PRES FUND APPLICATION FORM**

Background

A class action Settlement has been reached with Google Inc. that resolves litigation about privacy concerns arising out of Google’s social networking program, Google Buzz. Under the Settlement, an \$8.5 million Common Fund has been established to fund organizations focused on Internet privacy policy or privacy education, as well as to cover lawyers’ fees and costs and other expenses. On behalf of Class Counsel, the Rose Foundation for Communities and the Environment is soliciting applications from organizations interested in receiving monies from the Common Fund. **Applications must be received by March 14, 2011.** For more information about the Settlement see <http://www.buzzclassaction.com>.

Eligibility Criteria

Applicants must be existing organizations that are focused on Internet privacy policy or Internet privacy education.

Application Form

An application form coversheet appears on the reverse side of this page. You must fill out the application form coversheet. You may, as noted there, submit up to 4 additional pages of information about your group.

Send Completed Application Forms To:

grants@rosefdn.org

The completed application should contain both the coversheet and, if you chose to do so, a 4-page or less narrative response to questions 4-5 in one document. This document must be either in WORD (preferred) or PDF format. Do not include any other attachments. You will receive an email confirmation of the receipt of the application form. The Rose Foundation will contact you to follow up and collect additional information, as necessary.

Deadline

Applications must be received via email by the Rose Foundation by 5pm PST on March 14, 2011.

For Further Information

<http://www.rosefdn.org/privacyapplications>, kjames@rosefdn.org, or (510) 658-0702.

Application Coversheet

1. Name of Applicant Organization and EIN Number

____World Privacy Forum, EIN # 35-2241027

Type of organization: ☒ 501c(3) ☐ Other - Please describe: _____

2. Contact Information:

Contact Person, Title __Pam Dixon, Executive Director

Address ____2033 San Elijo Avenue #402

____Cardiff by the Sea, CA 92007

Telephone ____ (760) 712-4281 _____

Email ____ pdixon@worldprivacyforum.org

3. Financial Information:

- (a) your organization's overall annual 2011 operating budget

____\$90,000_____

- (b) total amount of money spent on Internet privacy or Internet education programs in 2010

____\$50,000_____

- (c) total amount of funding your organization received, if any, in contributions from Google, Inc. or the Google Foundation in 2010

____\$0_____

- (d) amount of funding you are requesting from this Settlement fund

____\$450,000_____

For questions 4 & 5, you may submit a narrative response up to 4 pages, BUT YOU MUST submit a brief description of no more than one paragraph. The coversheet must fit on one page.

4. Briefly describe any of your organization's existing policy or education programs concerning Internet privacy issues – make sure to include the number of years you have had programming focused on Internet privacy.

We have an active and robust Internet privacy consumer education and support program in place and have since our founding in 2003. Our 9 years of programming focused on Internet privacy reflects our core mission. We accept consumer queries by phone, email, our website, and other media on all aspects of Internet privacy, including online scams such as ID theft, job searching privacy, removing sensitive medical and other personal information that has leaked online, and additional areas such as Internet search engine privacy. We also publish well-researched consumer guides on online privacy. These guides are visited by consumers and are frequently cited by news media as key consumer Internet privacy resources. We also conduct regular policy work in the area of Internet privacy, including consensus work with other privacy and consumer organizations.

5. Briefly describe the particular program that funding from this Settlement would support and describe how it would benefit the Class by furthering policy or education concerning Internet privacy.

This settlement will support the Class directly through our core operational program of Consumer Internet Privacy education and assistance by offering phone, email, and web assistance to the Class, conducting policy work that will help improve privacy choices for the Class, and supporting research that allows us to write consumer guides specifically to educate and assist the Class with resolving specific Internet privacy issues and challenges. Our work in assisting this Class is longstanding, and of proven, consistent benefit to the class.

World Privacy Forum Organizational Background: Description of program activities and how our programs benefit the Class

The World Privacy Forum is a non-profit, non-partisan 501 (c)(3) public interest research and consumer education group focused on conducting in-depth research and consumer education in the area of privacy, technology, and the Internet. Our mission is to provide substantive research and consumer information that documents and analyzes critically important privacy issues and to provide consumer information and educational support in the area of privacy. Our work has often broken critical new ground, and the World Privacy Forum's reports and consumer information have achieved extremely high visibility and credibility, as well as enjoying short and long-term positive impacts.

Our work is focused in the areas of technology and Internet privacy, with some additional work in the area of large data infrastructures such as national/international-level databases and networks. We have also conducted work in the area of workplace privacy and the Internet, and various aspects of medical privacy. In the area of Internet privacy, we have also focused on consumer protection from online fraud, scams, and identity theft.

The World Privacy Forum is funded by the Rose Foundation Consumer Privacy Rights Fund, the California Consumer Protection Foundation, by Cy Pres settlements, and by individual donations. The World Privacy Forum fills a unique need for unbiased, in-depth public interest research with a focus on consumer privacy and education. Our work is almost entirely focused on benefitting and educating consumers of all ages, and a good portion of our work is focused on California consumers. (Particularly in technology, Internet, and health care privacy.)

The Forum was formed in 2003, and received its non-profit status in 2005. We are incorporated and based in California. We have regularly and consistently undertaken work in the area of Internet privacy. The Forum has achieved measurable and consistent success in each project it has undertaken, and receives consistent, high profile press coverage of its activities. The New York Times, Wall Street Journal, Time, BusinessWeek, Los Angeles Times, San Francisco Chronicle, NBC, CBS, ABC, and many others have covered World Privacy Forum activities and materials.

Our programs and activities match the Class addressed in the Google Buzz Cy Pres settlement, and our programs and activities consistently directly assist the Class.

Our programs revolve around the issue of Internet privacy in its various aspects. Our activities include consumer support activities such as answering queries, researching and publishing consumer help materials, conducting policy work to assist consumers, and researching new technologies and online issues regarding consumer impacts, with an eye to assisting consumers. We maintain numerous Internet privacy guides and materials for consumers on our web site, including guides on Internet job searching privacy, online financial privacy, opting out of online commercial data brokers, saying no to online tracking cookies, online medical records, and many more.

Our research and consumer education materials have gained excellent respect over the years, and are widely disseminated, quoted, and used. We have also published a great deal of consumer educational material on technology topics, including search engine privacy, online privacy, database privacy, and more. Our policy work has had substantial impacts, resulting in improvements in privacy policy affecting the Class positively. Additionally, we directly support the Class with telephone, email, web, and social media responses to consumer questions and queries about Internet privacy.

Here are some highlights of our long-standing work in our Internet privacy program and how it has benefitted the Class:

- In 2003, we published the first report on online job searching privacy. Our report and consumer guide to online job searching helped change the online job search sites privacy practices to consumers' benefits. Our guide assisted the Class in Internet job search privacy questions, and we provided phone support for the Class.
- In 2004, we published a series of groundbreaking reports on online sites that were attempting to defraud consumers financially through bogus online job offers. These Internet Job Scam reports were published at a time when online job sites were not questioned, and scams on the sites were not well known. We also published consumer guides to assist consumers with avoiding online harms at such Internet sites. The Federal Trade Commission recognized our work in this area and took enforcement actions against firms committing fraud against consumers. We additionally submitted comments to WHOIS regarding online database privacy issues for consumers, and published the first online web browsing consumer guide on Internet cookies.
- In 2005, we published a series of reports and a key consumer guide on Internet financial privacy. Our research uncovered a series of scams affecting consumers attempting to access their congressionally mandated annual free credit report online. Our work in this area led to numerous FTC enforcement actions to shut down the scammers and protect consumers from Internet harms.
- In 2006, we published the first search engine privacy tips for consumers. We also published a report on medical identity theft, bringing that issue to the public's attention for the first time. Now, medical identity theft, a term the WPF coined, is now recognized by the FTC and HHS as well as Congress as a significant problem, and agencies are working on consumer remedies and assistance. WPF has provided the only significant consumer materials for this crime, and provides phone and email support for victims. We also petitioned the FTC regarding the AOL data breach victims. We also starting working on policy surrounding the National Health Information Network regarding patient privacy and medical records online.

- In 2007, the World Privacy Forum convened a meeting of a dozen privacy and consumer groups to create a consensus document regarding online behavioral advertising. That meeting resulted in the Do Not Track idea, which the WPF wrote into a final proposal submitted to the FTC. The DNT idea has resulted in practical web browser innovations and positive changes that have directly benefited consumer Internet privacy by increasing their privacy choices online. For example, now Mozilla offers a DNT mechanism in its web browser. We also wrote the only report to ever be written analyzing the Network Advertising Initiative, an Internet self-regulatory program. This research report has been widely used and quoted in regulatory agencies as well as used in law schools. The self-regulatory body updated its standards after the publication of the report. We also testified before the FDA about an Internet-based medical program that the FDA mandated, but was allowing patient data collected online to be used for marketing purposes. Our work in this area (FDA RiskMAPs) changed the policy of RiskMAPs in question (www.ipledge.com) and created a changed and greatly improved privacy policy for patients using the online system. We also published a very popular Internet consumer guide in 2007, our Top Ten Opt Out list.
- In 2008, WPF published the first privacy-focused consumer report on Personal Health Records, or health files held on the Internet by commercial companies. PHRs pose numerous complex Internet privacy issues, which our report discussed at length. We also published consumer tips for PHRs. We also filed substantive comments with the FTC on online behavioral advertising. Our regulatory comments on electronic identifiers for students regarding updated FERPA regulations resulted in positive alterations in the final regulation that benefitted consumer privacy. In 2008 we convened a conference in Tokyo, Japan to discuss Internet privacy and cloud computing in Asia, the US and Europe.
- In 2009, the World Privacy Forum published the first privacy-focused report on cloud computing, an important area of Internet privacy. We also published consumer tips on cloud computing. We testified before Congress at a joint hearing as the only consumer representative on the issue of privacy and the “modern permanent record” in the area of online and offline privacy for consumers. WPF also filed a petition with the FTC regarding online commercial data brokers, requesting relief for consumers in the area of online opt outs.
- In 2010, The World Privacy Forum was one of the very few public interest groups to be invited to testify at all three of the recent Federal Trade Commission hearings on online privacy. We testified on a variety of technology and consumer privacy issues in this capacity. Also in 2010, the FTC formally acted on one of our petitions regarding online consumer privacy in the area of online opt outs at online commercial data brokers, to the benefit of consumers. The WPF published the first report on digital signage networks and how those networks interact with the online world, as well as the first consumer bill of rights for digital signage networks. The consumer bill of rights was a consensus document the WPF initiated and wrote with other consumer and privacy groups.

- So far in 2011, we have filed substantive comments supporting online privacy with the European Advertising Standards Alliance, the Federal Trade Commission, and the US Department of Commerce. The World Privacy Forum assisted in writing the online guidelines for California's Health Information Exchange self-regulations as part of its duties as co-chair of the California Privacy and Security Advisory board, a position to which the WPF was appointed by the California Secretary of Health. We have answered queries from consumers who have questions about various aspects of online privacy, and we are preparing a new guide on social networking privacy for publication. As of March 14, 2011 we have completed a reference book for publication this year on the topic of online privacy for high school students.

Highlights of our Internet privacy-related publications include:

- *The Network Advertising Initiative: Failing at Consumer Protection and at Self-Regulation*
http://www.worldprivacyforum.org/pdf/WPF_NAI_report_Nov2_2007fs.pdf
- *Medical ID Theft: The Information Crime that Can Kill You*
<http://www.worldprivacyforum.org/medicalidentitytheft.html>
- *Privacy in the Clouds: Risks to Privacy and Confidentiality from Cloud Computing*
<http://www.worldprivacyforum.org/cloudprivacy.html>
- *The Two Way Mirror Society: Privacy Implications of the New Digital Signage Networks*
<http://www.worldprivacyforum.org/pdf/onewaymirrorsocietyfs.pdf>
- *Consumer principles for Digital Signage Networks, including child protection principles*
<http://www.worldprivacyforum.org/pdf/DigitalSignage-principlesfs.pdf>
- *Call Don't Click: Why it's Smarter to Order Your Federally Mandated Free Credit Report Via Telephone, Not the Internet*
http://www.worldprivacyforum.org/pdf/wpf_calldontclick_study_2005.pdf
- *Job Scams report and consumer guide* <http://www.worldprivacyforum.org/jobscams.html>
- *Internet job searching privacy resources (guides, reports, tips)*
<http://www.worldprivacyforum.org/jobsearchprivacy.html>
- *Top Ten Opt Outs* <http://www.worldprivacyforum.org/toptenoptout.html>
- *Internet Tracking Cookies Opt-Out Page*
<http://www.worldprivacyforum.org/cookieoptout.html>
- *Do Not Track Consensus Proposal, Consumer Rights and Protections in the Behavioral Advertising Sector*
http://www.worldprivacyforum.org/pdf/ConsumerProtections_FTC_ConsensusDoc_Final_s.pdf